
**Public Safety & Emergency
Preparedness Committee**

HB 2430

Brief Description: Addressing the marketing of controlled substances to minors.

Sponsors: Representatives Campbell, Kirby, McCune, Morrell, Hurst and Dunn.

Brief Summary of Bill

- Imposes a three-year sentencing enhancement for drug offenses that are marketed to children.

Hearing Date: 1/21/08

Staff: Yvonne Walker (786-7841).

Background:

Generally, it is illegal for a person to possess various controlled substances. Under the Uniform Controlled Substances Act, the degree of restriction exercised over a controlled substance is dependent on the potential for abuse and the degree of psychic or physical dependency which may be caused by the substance. Controlled substances are placed in five different schedules to reflect the amount of control necessary, with Schedule I being the most controlled, and Schedule V being the least restricted. The penalty for violations involving a controlled substance varies depending on the schedule on which the substance is placed.

Under the Sentencing Reform Act, the court must impose imprisonment in addition to the standard sentencing range if specific conditions for sentencing enhancements are met. Sentencing enhancements may apply if any of the following apply: (1) the offender was armed with a firearm while committing certain felonies; (2) the offender was armed with a deadly weapon while committing certain felonies; (3) the offender committed certain felonies while incarcerated; (4) the offender committed certain drug offenses; (5) the offender committed vehicular homicide while under the influence of alcohol or drugs; or (6) the offender committed a felony crime that was committed with sexual motivation.

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In the case of an offender that is sentenced for committing certain violations of the Uniform Control Substance Act in a drug free protected zone, a two-year sentence enhancement may be added to the offender's sentence. A person is subject to enhanced sentencing if he or she manufactures, sells, delivers, or possesses with intent to manufacture, sell, or deliver, a controlled substance in public areas such as schools, school buses, school bus stops, school grounds, public parks, public housing projects designated as drug free zones, public transit vehicles, public transit stop shelters, or civic centers designated as a drug free zones. In addition, the maximum imprisonment sentence and fine may be increased up to double the amount imposed for the underlying conviction.

A two-year sentence enhancement may also be added to an offender's standard sentence range if: (1) the offender is convicted for an offense involving manufacturing methamphetamine or possessing ephedrine, pseudoephedrine, pressurized ammonia gas; and (2) the crime was committed with a child on the premises.

Summary of Bill:

A sentencing court must add an additional three years to an offender's standard range if: (1) the offender committed an offense involving manufacturing, selling, delivering, or possessing with intent to deliver a controlled substance; and (2) a special allegation has been pleaded and proven beyond a reasonable doubt that the crime committed involved a controlled substance that was flavored, colored, packaged, or otherwise altered in a way that is designed to make it more appealing to a child.

Appropriation: None.

Fiscal Note: Requested on January 15, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.